

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**IN RE:**

**SHARON HAILEY  
2700 HYDES FERRY ROAD  
NASHVILLE, TN 37218**

**CASE NO. 3:15-bk-06350  
CHAPTER 13  
JUDGE: MASHBURN**

**Debtor  
SSN: XXX-XX-6280**

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: *October 24, 2018*. IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: *November 14, 2018, 8:30 A.M., Court Room 1, 2nd Floor Customs House, 701 Broadway, Nashville, TN 37203***

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**NOTICE OF MOTION TO MODIFY PLAN TO SUSPEND PAYMENTS**

The Debtor has asked the court for the following relief: **Debtor wishes to suspend her Chapter 13 plan payments for three months.**

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before **October 24, 2018**, you or your attorney must:

1. File with the court your written response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1<sup>st</sup> Floor, Nashville, TN (Monday – Friday, 8:00 A.M. – 4:00 P.M.)

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. ***THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.*** You may check whether a timely response has been filed by viewing the case on the court's web site at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov).

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: October 3, 2018

/s/ Mark Podis

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Mark R. Podis, #012216  
Attorney for Debtor  
1161 Murfreesboro Rd Ste 300  
Nashville, TN 37217  
(615) 399-3800 Telephone  
(615) 399-9794 Facsimile

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**MOTION FOR SUSPENSION OF PAYMENTS**

Comes now the Debtor, by and through the undersigned counsel, and respectfully moves this Court for an order suspending her plan payments to the Chapter 13 Trustee for a period of three months, and in support thereof would show the following:

1. Debtor's Chapter 13 plan was filed on September 9, 2015.
2. Debtor's Chapter 13 plan was confirmed by this Court on November 20, 2015..
3. Debtor has had no increase in expenses but is struggling to make her payments due to her daughter no longer helping with expenses. Debtor is seeking a 3-month suspension due to not being able to work while her other children are on fall break.
4. Debtor's plan payment will increase to \$297 bi-weekly, plus tax refunds after the proposed suspension to ensure a 60-month plan conclusion.
5. In good faith, Debtor completed the Trustee's Financial Management Course on November 14, 2015.
6. The Debtor will forfeit her future Income Tax Refunds to the Chapter 13 Trustee for the remainder of her bankruptcy plan.
7. Debtor is also obligated to make all future payments in accordance with the confirmed Chapter 13 plan and should the Debtor fail to make any payment as

required, this case will be dismissed upon filing notice by the Trustee, without further hearing.

**STATEMENT OF IMPACT:**

The unsecured creditors will continue to receive a dividend of 1%, plus tax refunds. Debtor's payment will increase to \$297 bi-weekly after the proposed suspension to ensure a 60-month plan conclusion. Debtor's plan payments to the Chapter 13 Trustee be suspended for 3 months. Employer upon receipt of suspension order shall stop payroll deduction or any money remitted to the trustee by the employer shall be refunded by the trustee to the Debtor. The Debtor will forfeit her future Income Tax Refunds to the Chapter 13 Trustee for the remainder of her bankruptcy plan. Debtor is obligated to make all future payments in accordance with the confirmed Chapter 13 plan and should the Debtor fail to make any payment as required, this case will be dismissed upon filing notice by the Trustee, without further hearing.

**WHEREFORE**, Debtor prays that:

1. Debtor's plan payments to the Chapter 13 Trustee be suspended for 3 months.
2. Employer upon receipt of suspension order shall stop payroll deduction or any money remitted to the trustee by the employer shall be refunded by the trustee to the Debtor.
3. The unsecured creditors will continue to receive a dividend of 1%.
4. Debtor's plan payment will increase to \$297.00 bi-weekly, plus tax refunds after the proposed suspension to ensure a 60-month plan conclusion.
5. The Debtor will forfeit her future Income Tax Refunds to the Chapter 13 Trustee for the remainder of her bankruptcy plan.

6. Debtor is obligated to make all future payments in accordance with the confirmed Chapter 13 plan and should the Debtor fail to make any payment as required, this case will be dismissed upon filing notice by the Trustee, without further hearing.

Respectfully Submitted,

/s/ Mark Podis

Mark R. Podis, #012216

Attorney for Debtor

1161 Murfreesboro Road, Ste 300

Nashville, Tennessee 37217

(615) 399-3800 Telephone

(615) 399-9794 Fax

[Email - podisbankruptcy@aol.com](mailto:podisbankruptcy@aol.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been delivered to the U.S. Trustee, 701 Broadway, 318 Customs House, Nashville, TN 37203, and to the Chapter 13 Trustee, P.O. Box 340019, Nashville, TN 37203-0019, to the debtor, **Susan Sharon Hailey, 2700 Hydes Ferry Road Nashville, TN 37218** on this 3rd day of October, 2018. A total of 34 Copies have been sent via email CM/ECF <http://ecf.tnmb.uscourts.gov>.

/s/ Mark Podis  
MARK R. PODIS

**A TOTAL OF 34 COPIES HAVE BEEN MAILED FIRST CLASS TO CREDITORS ON ATTACHED MATRIX**